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44,815
Reg. No.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant : David B. Wiley et al.
Appln. No. : 10/658,075
Filed : September 9, 2003
Title : COMPOSITION AND METHOD FOR ENHANCING THE
BIOAVAILABILITY OF CALCIUM AND MAGNESIUM IN
DIETARY SUPPLEMENTS AND FOOD ADDITIVES
Docket No. : 632898-042
Art Unit : 1761

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97(b) WITH CERTIFICATION UNDER 37 CFR §1.97(e)(1)**

As provided under 37 CFR §1.97(b), this supplemental information disclosure statement is submitted prior to the issuance of the first Official action on the merits. This statement is accompanied by a Certification Under 37 CFR §1.97(e)(1).

Pursuant to 37 CFR §1.56, the Examiner's attention is directed to the references listed on the attached Information Disclosure Citation. Copies of all foreign patent documents and non-patent literature references are provided herewith.

As required under 37 CFR §1.97(e)(1), Applicant testifies that each item of information contained in this supplemental information disclosure statement was cited in a communication

Application. No.: 10/658,075

Docket No.: 632898-042

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

UNDER 37 CFR §1.97(b) WITH CERTIFICATION UNDER 37 CFR §1.97(e)(1)

from the International Searching Authority in related PCT Application No.

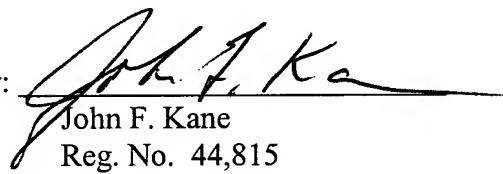
PCT/US2004/007452 not more than three months prior to the filing of this supplemental information disclosure statement. A copy of the PCT International Search Report, issued November 16, 2004, is enclosed herewith for reference.

It is to be understood that the present submission of art is in no way intended to be a waiver of any arguments or defenses available to the applicant under the rules of the U.S. Patent and Trademark Office and the statutes of the United States.

No fee is required. The Commissioner is authorized to charge any additional fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted:

By:



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INFORMATION DISCLOSURE CITATION

Page 1 of 1



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U.S. PATENT DOCUMENTS

Examiner	Document No.	Date	Name	Class	Sub	
	2003/0139354	07/2003	Buccholz et al.			
	5,360,613	11/1994	Nissen			

FOREIGN PATENT DOCUMENT

Trans

Examiner	Document No.	Date	Country	Class	Sub	Y	N
	94/17678	08/1994	Patent Cooperation Treaty			X	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Kreider, R.B. et al., "Effects of Calcium β -Hydroxy- β -methylbutyrate (HMB) Supplementation During Resistance-Training on Markers of Catabolism, Body Composition and Strength," <u>International Journal of Sports Medicine</u> , Vol. 20, No. 8, pp. 503-509 (1999)

Examiner: Date Considered:

* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.